

MAY 19 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket: GB02 0138 US

Rosenfeld, Josi

Serial No.: 10/525,331

Art Unit: 3662

Filed: February 22, 2005

Examiner: Unassigned

Title: Method of, and Apparatus for, Operating a Radio System

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

PETITION TO MAKE APPLICATION
FOR PATENT UNDER 37 C.F.R. § 1.47(b)

Sir:

I, Adam L. Stroud, attorney of record of the above-identified patent application, hereby petition to make application for patent on behalf of sole inventor, Josi Rosenfeld, under 37 C.F.R. § 1.47(b), and hereby respectfully submit the following:

1. On February 22, 2005, Koninklijke Philips Electronics N.V. ("Philips") filed the National Stage Patent Application for the patent entitled **METHOD OF, AND APPARATUS FOR, OPERATING A RADIO SYSTEM** with the United States Patent and Trademark Office which was assigned Application Serial No. 10/525,331 and claiming the benefit of PCT Patent Application No. PCT/IB2003/003480 filed on August 6, 2003, by Josi Rosenfeld entitled *Method of, and Apparatus for, Operating a Radio System*.

2. Josi Rosenfeld is the sole inventor for the above-identified patent application and was employed by Philips until she resigned on June 27, 2003. Josi Rosenfeld has not executed the declaration for the above-identified patent application due to difficulty in locating Josi Rosenfeld.

3. Proof of proprietary interest for Philips is shown by the attached assignment by Josi Rosenfeld executed on September 9, 2003, assigning her rights in the above-identified patent

application to Philips and the Power of Attorney to Prosecute Applications before the USPTO executed by Michael E. Marion.

4. Immediately following her resignation from Philips, Josi Rosenfeld's last known address in London is as listed below. This address is the address for Josi Rosenfeld's parents and letters were sent to this address in late 2003 and January 2005.

6 Garrick Drive
Hendon
London NW4 1H

5. Shortly after resigning from Philips in June 2003, it is believed that Josi Rosenfeld moved from London to Israel. Her last known address is as follows:

Flat 6
14 Rehov Reuven
Bakaa, Jerusalem, Israel

6. Documents, including the declaration and the patent application for the above-identified patent application, were sent to the above address in Israel in December 2003. The documents were sent via registered mail and were eventually returned to sender.

7. Email communications with Josi Rosenfeld have also been attempted. On February 29, 2004, an email was sent to the email address of josi.rosenfeld@yahoo.co.uk and a reply from Josi Rosenfeld was received. This email communication is attached to this petition. On June 9, 2004, another email was sent to the email address of josi.rosenfeld@weizmann.ac.il but no reply was received. On October 25, 2005, another email was sent to the email address of josi.rosenfeld@yahoo.co.uk and Philips received a reply on October 26, 2005. The Philips email and Rosenfeld reply email are attached to this petition. The email sent on October 25, 2005 included assignments and declaration for numerous patent applications for which Josi Rosenfeld was listed as an inventor. Josi Rosenfeld executed many of the assignments and declarations but at the time did not execute the declaration for the above-identified patent application even though such declaration had been provided to her. The signed assignments and declarations were returned by Josi Rosenfeld to Philips around the time frame of November/December 2005.

8. Email communications with Josi Rosenfeld have recently been attempted on April 4, 2006, and May 17, 2006, specifically requesting her to sign the declaration for the above-identified patent application. Both of these emails have been sent to the email address of josi.rosenfeld@yahoo.co.uk but so far no reply from Josi Rosenfeld has been received.

05/30/2006 MKAYPAGH 00000111 141270 10525331

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9. Josi Rosenfeld has never refused to sign the declaration for the above-identified patent application. After repeated attempts to contact her to execute the declaration, Philips has not been able to locate her and receive an appropriate response.

10. Attached to this petition is a declaration for the above-identified patent application executed by Michael E. Marion, Vice President and General Manager, Philips Intellectual Property & Standards, in accordance with 37 C.F.R. § 1.47(b).

11. The above facts outlined in this Petition to Make Application provide the proof of the pertinent facts and show that such action is necessary to preserve the rights of both Philips and Josi Rosenfeld in the invention described in the above-identified patent application.

12. Please charge the Deposit Account No. 14-1270 for any and all necessary fees including the petition fee of \$200.00 as provided by 37 C.F.R. § 1.17(g).

Respectfully submitted,

By 
Adam L. Stroud
Reg. No. 48,410
Attorney
(408) 474-9064
May 17, 2006

U.S.A. Sole/Joint

ASSIGNMENT

Docket No. PHGB020138

For good and valuable consideration, of which I acknowledge receipt, I, as a below-named assignor, sell and assign to Koninklijke Philips Electronics N.V. (hereinafter "Assignee") a corporation existing under the laws of Kingdom of the Netherlands, whose business address is Groenewoudseweg 1, 5621 BA Eindhoven, the Netherlands, its successors and assigns, the application for a United States Patent for the improvements in an **METHOD OF, AND APPARATUS FOR, OPERATING A RADIO SYSTEM** invented by me, which application:

- ☐ is executed concurrently herewith
☐ was executed by me/us on
☐ is Serial No. filed
☒ is International Application No.PCT/IB03/03480.....filed.. 06 August 2003.....,

and all rights in and to said application, and all Patents which may be granted therefor, and all divisions, reissues, continuations and extensions thereof, and authorize and request the Commissioner of Patents and Trademarks to issue all Patents on said improvements or resulting therefrom to said Assignee as assignee of the entire interest and covenant that I have full right so to do, and agree that I will communicate to said Assignee or its representatives any facts known to me respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said Assignee, its successors, assigns and nominees, to obtain and enforce proper protection for said invention.

09 Sept 2003 (sign name here)
Date (print name here)


Josi ROSENFELD

_____, Assignor

PTOSB/00 (11/00)
Approved for use through 11/07/2005 OMB 0551-0025
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 24738

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 24738

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

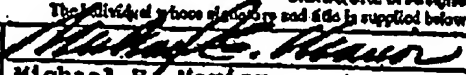
Fax

Assignee Name and Address:

KONINKLIJKE PHILIPS ELECTRONICS N.V.
Groenewoudseweg 1
5621 BA Eindhoven, The Netherlands

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/88 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
The individual whose signature and address is supplied below is authorized to act on behalf of the assignee

Signature		Date	02. FEB 2005
Name	Michael E. Marion	Telephone	(914) 333-9637
Title	Authorized Representative		

This collection of information is required by 37 CFR 1.51, 1.52 and 1.53. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.61 and 1.64. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



To: Elspeth Blythe/RED/IPS/PHILIPS@PHILIPS
cc:
Subject: Re: Patent documents
Classification:

Josi Rosenfeld
<josirosefeld@yahoo.co.uk>

29/02/2004 21:30

Hi,
I'm sorry, I did get some mail from Philips. But my
aunt died last week and I haven't been of a mind to
attend to anything administrative. I will send it back
when this period is over.
sorry,
Josi

--- elspeth.blythe@philips.com wrote: > Hi Josi,
> Sorry to trouble you again - did you get the
> documents that I sent you ?
> I am getting a bit anxious as a couple of them are
> becoming rather urgent.
> Look forward to hearing from you.
> Regards - Elspeth.
>
> Elspeth Blythe
> Patent Creation Support
> Philips Intellectual Property and Standards,
> Visitor's address: } Cross Oak Lane, Redhill, RH1
> 5HA,
> Mail Address: } Surrey, England.
> Phone: + 44 (0)1293 815625 Facsimile: : + 44
> (0)1293 815766
> E-mail: elspeth.blythe@philips.com
> Intranet: pww.ips.philips.com
> Internet: www.ip.philips.com
>
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Josi Rosenfeld
jrosenfeld@yahoo.co.uk
25/10/2005 19:19

To Elspeth Blythe/RED/IPS/PHILIPS@PHILIPS

cc

bcc

Subject Re: Patent documents for signature - again !

Classification

Hi,
Hope everything is going well for you.
Could I fax the signed documents to you?
thanks,
josi

(I said we
would need
the originals).
Es.

--- Elspeth Blythe <elspeth.blythe@philips.com> wrote:

> Dear Josi,
> I hope you are well -
>
> I should be very much obliged if you could print and
> sign the attached
> documents. They have now become urgent.
> I also attach the WIP Publication for each case -
> for you to keep.
>
> If you have any queries, please let me know.
>
> However, if you are in the UK - and prefer me to
> send paper copies,
> please let me know - as I can then attach a stamped
> addressed envelope.
>
> Look forward to hearing from you.
> Elspeth..
>
>
>
>
> Elspeth Blythe
> Patent Creation Support
> Philips Intellectual Property and Standards,
> Visitor's address: } Cross Oak Lane, Redhill, RH1
> 5HA,
> Mail Address: } Surrey, England.
> Phone: + 44 (0)1293 815625 Facsimile: : + 44
> (0)1293 815766
> E-mail: elspeth.blythe@philips.com
> Intranet: pww.ips.philips.com
> Internet: www.ip.philips.com
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Rosenfeld, Josi

Serial No. 10/525,331

Filed: February 22, 2005

Atty. Docket No. GB020138US

Art Unit: 3662

Examiner: Unassigned

DECLARATION UNDER 37 CFR 1.47(b)


I, the undersigned, Michael E. Marion, Attorney of Record and authorized representative of KONINKLIJKE PHILIPS ELECTRONICS N.V., a corporation organized and existing under the laws of The Kingdom of the Netherlands, having a place of business at 345 Scarborough Road, Briarcliff Manor, New York, 10510 (hereinafter called "the Applicant"), hereby declare the following:

1. **Invention**
The Applicant is the proprietor of the invention entitled "Method of, and Apparatus for, Operating a Radio System"
2. **Inventorship**
Josi ROSENFELD
Flat 6
14 Rehov Reuven
Bakaa, Jerusalem, Israel
3. **Citizenship**
GB (United Kingdom)

I hereby declare that all the above declarations are consistent with the truth and that I agree to undertake legal responsibilities if there is any false statement in this Declaration.

Date: 5/18/06

Respectfully submitted,

By 
Michael E. Marion
Vice President and General Manager
Philips Intellectual Property & Standards
345 Scarborough Road
Briarcliff Manor, New York 10510
(914) 333-9641

TOTAL P.04